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Angela M. Rossi

17

FROM

PAGES (WITH COVER)

2298

54682/330868

REFERENCE NO

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**COMMENTS**

Re: U.S. Patent Application Serial No. 10/582146  
Our Ref. No. 54682/330868

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SEP 24 2007

## IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

In re Application of: )  
 Jerome FOY )  
 International )  
 Application No. PCT/IB2005/000193 )  
 International )  
 Filing Date: 27 January 2005 (27.01.2005 )  
 U.S. Serial No. 10/582,146 )  
 U.S. Filing Date: 07 June 2006 )  
 (07.06.2006 )  
 For: ABOVE-GROUND SWIMMING POOL )  
 WITH DECORATIVE WALL PANELS )  
 Commissioner of Patents Attorney Docket No. 54682/330868  
 P. O. Box 1450 Date: 9/24/07  
 Alexandria, Virginia 22313-1450

**REQUEST FOR ISSUANCE OF A CORRECTED FILING RECEIPT AND A  
 CORRECTED NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371  
 AND 37 CFR 1.495**

Sir:

Applicants respectfully request issuance of a corrected Filing Receipt making the following corrections:

Correct the Domestic Priority data to read:

This application is a 371 of PCT/IB05/00193 01/24/2005  
 which claims the benefit of 60/539,100 01/27/2004

Applicants respectfully request issuance of a corrected Notice of Acceptance of Application making the following correction:

Correct the international application filing date to read  
 '01/27/2004'

Attached is a copy of the Preliminary Amendment filed with the original application on 07 June 2006 evidencing the correct information.

US200010325094.1

U.S. Patent Application Serial No. 10/582,146

U.S. National Phase of PCT/IB2005/000193

Filed: March 19, 2007

REQUEST FOR ISSUANCE OF A CORRECTED FILING RECEIPT AND  
NOTICE OF ACCEPTANCE

Respectfully requested,



Dean W. Russell  
Reg. No. 33,452

KILPATRICK STOCKTON LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, GA 30309-4530  
404-815-6528

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 24 2007

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/582,146	03/19/2007	3751	2480	54862/330868	45	4

CONFIRMATION NO. 8834

23370  
 JOHN S. PRATT, ESQ  
 KILPATRICK STOCKTON, LLP  
 1100 PEACHTREE STREET  
 ATLANTA, GA 30309

## FILING RECEIPT



\*OC000000026432149\*

Date Mailed: 08/17/2007

Receipt is acknowledged of this nonprovisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt Incorporating the requested corrections (if appropriate).

## Applicant(s)

Jerome Foy, Quebec, CANADA;

Power of Attorney: The patent practitioners associated with Customer Number 23370.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/IB05/00193 01/24/2005  
WHICH CLAIMS BENEFIT OF 60/539100 01/07/2004

## Foreign Applications

If Required, Foreign Filing License Granted: 08/16/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/582,146

Projected Publication Date: 11/22/2007

Non-Publication Request: No

RCVD AUG 22 '07

Early Publication Request: No

**Title****Above-Ground Swimming Pool With Decorative Wall Panels****Preliminary Class**

004

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/582,146	Jerome Foy	54862/330868
INTERNATIONAL APPLICATION NO.		
PCT/IB05/00193		
I.A. FILING DATE	PRIORITY DATE	
01/24/2005	01/27/2004	
CONFIRMATION NO. 8834		
371 ACCEPTANCE LETTER		
*OC000000025432150*		

Date Mailed: 08/17/2007

## NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>03/19/2007</u>	<u>03/19/2007</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 06/07/2006
- Copy of the International Search Report filed on 06/07/2006
- Preliminary Amendments filed on 06/07/2006
- Information Disclosure Statements filed on 07/05/2006
- Oath or Declaration filed on 03/19/2007
- Request for Immediate Examination filed on 06/07/2006
- U.S. Basic National Fees filed on 06/07/2006
- Priority Documents filed on 06/07/2006
- Specification filed on 06/07/2006
- Claims filed on 06/07/2006
- Abstracts filed on 06/07/2006

RCVD AUG 22 '07

- Drawings filed on 06/07/2006

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Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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VONDA M WALLACE  
Telephone: (703) 308-9140 EXT 225

**PART 1 - ATTORNEY/APPLICANT COPY**

FORM PCT/DO/EO/903 (371 Acceptance Notice)

SEP 24 2007

## IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

In re Application of: )  
Jerome FOY )  
International )  
Application No. PCT/IB2005/000193 )  
International )  
Filing Date: 27 January 2005 (27.01.2005 )  
U.S. Serial No. )  
U.S. Filing Date: 07 June 2006 )  
(07.06.2006) )  
For: ABOVE-GROUND SWIMMING POOL )  
WITH DECORATIVE WALL PANELS )  
Mail Stop PCT Attorney Docket No. 54682/330868  
Commissioner of Patents Date: 07 June 2006  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

## PRELIMINARY AMENDMENT

Sir:

Kindly amend the above-identified patent application prior to examination.  
Amendment to the Specification appear on page 2 of this paper.  
A listing of all pending Claims begins on page 3 of this paper.

U.S. National Phase of PCT/IB2005/000193

Filed: 07 June 2006

PRELIMINARY AMENDMENT

In the Specification

On page 1, kindly amend the first paragraph to read as follows:

This application is the U.S. national phase of International Application No.

PCT/IB2005/000193 filed on January 27, 2005 published in English on September 1, 2005 as

International Publication No. WO 2005/080708 A1, which claims the benefit of U.S.

Provisional Application No. 60/539,100 filed January 27, 2004, the contents of which are incorporated herein by reference.

U.S. National Phase of PCT/IB2005/000193

Filed: 07 June 2006

PRELIMINARY AMENDMENT

In the Claims

Listing of the Claims

This listing of claims will replace all prior versions, and listings, of the claims in the application.

1. (Original) An above-ground swimming pool comprising:
  - structural paneling defining a pool perimeter;
  - a plurality of structural vertical posts regularly spaced apart along the pool perimeter and retaining the structural paneling;
  - a structural ledge supported by the structural vertical posts and retaining the structural paneling at a top end thereof along the pool perimeter; and
  - a plurality of decorative panels installed so as to substantially hide the structural paneling from view.
2. (Original) The above-ground swimming pool according to claim 1, further comprising a base member retaining the structural paneling at a bottom end thereof along the pool perimeter.
3. (Original) The above-ground swimming pool according to claim 2, wherein the base member also retains the decorative panels at a bottom end thereof along the pool perimeter.
4. (Original) The above-ground swimming pool according to claim 1, wherein the structural ledge retains the decorative panels at a top end thereof along the pool perimeter.
5. (Original) The above-ground swimming pool according to claim 1, wherein a single decorative panel extends between and is retained by adjacent structural vertical posts.
6. (Original) The above-ground swimming pool according to claim 1, wherein a plurality of decorative panels connected to one another extend between and are retained by adjacent structural vertical posts.

U.S. National Phase of PCT/IB2005/000193

Filed: 07 June 2006

**PRELIMINARY AMENDMENT**

7. (Original) The above-ground swimming pool according to claim 6, wherein the plurality of decorative panels are connected to one another side by side.
8. (Original) The above-ground swimming pool according to claim 6, wherein the plurality of decorative panels are connected to one another one on top of the other.
9. (Original) The above-ground swimming pool according to claim 1, wherein each structural vertical post is hidden from view by a decorative vertical post.
10. (Original) The above-ground swimming pool according to claim 9, wherein a single decorative panel extends between and is retained by adjacent decorative vertical posts.
11. (Original) The above-ground swimming pool according to claim 9, wherein a plurality of decorative panels connected to one another extend between and are retained by adjacent decorative vertical posts.
12. (Original) The above-ground swimming pool according to claim 1, wherein the structural ledge is hidden from view by a decorative ledge.
13. (Original) The above-ground swimming pool according to claim 12, wherein the decorative ledge retains the decorative panels at a top end thereof along the pool perimeter.
14. (Original) The above-ground swimming pool according to claim 1, wherein each of the decorative panels is shaped so as to mimic a series of horizontal wood boards.
15. (Original) The above-ground swimming pool according to claim 1, wherein each of the decorative panels is shaped so as to mimic a series of vertical wood boards.
16. (Original) The above-ground swimming pool according to claim 1, wherein each of the decorative panels is shaped so as to mimic a single wood board.

## U.S. National Phase of PCT/IB2005/000193

Filed: 07 June 2006

## PRELIMINARY AMENDMENT

17. (Original) The above-ground swimming pool according to claim 1, wherein the pool perimeter is round, and the decorative panels are at least in partial contact with the structural paneling so as to define a second round perimeter in close relationship with the pool perimeter.

18. (Original) The above-ground swimming pool according to claim 1, wherein the pool perimeter is polygonal, and the decorative panels are at least in partial contact with the structural paneling so as to define a second polygonal pool perimeter in close relationship with the pool perimeter.

19. (Original) The above-ground swimming pool according to claim 1, wherein the decorative panels are installed so as to obtain a second perimeter having a different shape than the pool perimeter.

20. (Original) The above-ground swimming pool according to claim 1, wherein the decorative panels are made from extruded plastic.

21. (Original) The above-ground swimming pool according to claim 1, wherein the decorative panels are made from thermoformed plastic.

22. (Original) The above-ground swimming pool according to claim 9, wherein each decorative vertical post is shaped so as to mimic at least one wood board.

23. (Original) The above-ground swimming pool according to claim 12, wherein the decorative ledge is shaped so as to mimic a plurality of wood boards.

24. (Original) A decorating kit for an existing above-ground swimming pool, the swimming pool including structural paneling, a plurality of structural vertical posts and a top structural ledge, the kit comprising:

a plurality of decorative vertical posts designed to be attached over the structural vertical posts so as to substantially hide the structural vertical posts from view;

a plurality of decorative panels designed to be retained by adjacent decorative vertical posts so as to substantially hide the structural paneling from view; and

a decorative ledge designed to be attached to the decorative vertical posts so as to substantially hide the top structural ledge from view.

U.S. National Phase of PCT/IB2005/000193

Filed: 07 June 2006

**PRELIMINARY AMENDMENT**

25. (Original) The kit according to claim 24, wherein the decorative ledge retains the decorative panels at a top end thereof.

26. (Original) The kit according to claim 24, wherein each decorative panel is composed of a plurality of smaller panels connected to one another.

27. (Original) The kit according to claim 26, wherein each of the smaller panels is shaped so as to mimic a single wood board.

28. (Original) The kit according to claim 26, wherein the plurality of smaller panels are connected to one another side by side.

29. (Original) The kit according to claim 26, wherein the plurality of smaller panels are connected to one another one on top of the other.

30. (Original) The kit according to claim 24, wherein each of the decorative panels is shaped so as to mimic a series of horizontal wood boards.

31. (Original) The kit according to claim 24, wherein each of the decorative panels is shaped so as to mimic a series of vertical wood boards.

32. (Original) The kit according to claim 24, wherein the structural paneling defines a pool perimeter, and the decorative panels are at least in partial contact with the structural paneling so as to define a second pool perimeter in close relationship to the pool perimeter.

33. (Original) The kit according to claim 24, wherein the structural paneling defines a pool perimeter, and the decorative panels are installed so as to obtain a second perimeter having a different shape than the pool perimeter.

34. (Original) The kit according to claim 24, wherein the decorative panels are made from extruded plastic.

35. (Original) The kit according to claim 24, wherein the decorative panels are made from thermoformed plastic.

36. (Original) The kit according to claim 24, wherein each decorative vertical post is shaped so as to mimic at least one wood board.

U.S. National Phase of PCT/IB2005/000193

Filed: 07 June 2006

**PRELIMINARY AMENDMENT**

37. (Original) The kit according to claim 24, wherein the decorative ledge is shaped so as to mimic a plurality of wood boards.

38. (Original) A method for assembling an above-ground swimming pool comprising the steps of:

installing a plurality of structural vertical posts in a regularly spaced-apart manner along a desired pool perimeter;

installing structural paneling along the desired pool perimeter so that the structural paneling is retained by the vertical posts;

installing a structural ledge defining the desired pool perimeter on top of the vertical posts, the structural ledge retaining the structural paneling along a top end thereof; and

installing a plurality of decorative panels over the structural paneling so that the structural paneling is substantially hidden from view.

39. (Original) The method according to claim 38, wherein the plurality of decorative panels are installed so as to be retained by the structural vertical posts.

40. (Original) The method according to claim 38, wherein the installation of the decorative panels includes for at least one of the plurality of decorative panels a step of installing a first decorative vertical post over a first of the plurality of structural vertical posts, connecting an edge of the decorative panel to the first decorative vertical post, connecting an opposed edge of the decorative panel to a second decorative vertical post, and installing the second decorative vertical post over a second of the plurality of structural vertical post.

41. (Original) The method according to claim 38, further comprising a step of installing a decorative ledge over the structural ledge so as to hide the structural ledge from view.

42. (Original) The method according to claim 41, wherein the decorative ledge is installed so as to retain the decorative panels along a top end thereof.

U.S. National Phase of PCT/IB2005/000193

Filed: 07 June 2006

**PRELIMINARY AMENDMENT**

43. (Original) The method according to claim 38, wherein a step of installing a base member along the pool perimeter is performed, and the structural paneling is installed so as to be retained also by the base member.

44. (Original) The method according to claim 43, wherein the decorative panels are installed so as to be retained by the base member.

45. (Original) An above-ground swimming pool comprising a skeleton structure adapted to hold a body of water, and a decorative panel assembly applied to the pool outwardly of the skeleton structure.

U.S. National Phase of PCT/IB2005/000193

Filed: 07 June 2006

PRELIMINARY AMENDMENT

Respectfully submitted,



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